

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	79173949
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION</b>	
<b>MARK</b>	http://tmng-al.uspto.gov/resting2/api/img/79173949/large
<b>LITERAL ELEMENT</b>	LEDRAPTOR
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
<p style="text-align: center;">REQUEST TO SUSPEND</p> <p>The present application is under a final refusal for which a reply is due on or before October 25, 2016. The undersigned attorney of record received notification from Applicant's European trademark representative indicating that a Request to Amend was filed at the European Union Intellectual Property Office (EUIPO) on October 13, 2016 requesting an amendment to the Class 11 identification of goods (ID). Attached hereto is a copy of the Request to Amend that was filed at the EUIPO. As it will be noted, a German word was incorrectly translated by IB for the Class 11 ID but correctly translated for the Class 41 ID. Since this is a new issue in this proceeding, Applicant respectfully submits that suspending the proceedings in this application pending the outcome of the request to amend proceeding at IB is the only action to take at this time. It is also respectfully submitted that, in fairness to the Applicant, it is appropriate for the Examiner to suspend the proceedings. Accordingly, Applicant respectfully solicits a granting of this Request to Suspend</p> <p>Applicant is simultaneously filing a Notice to Appeal to give the Examiner time to consider this request after the October 25, 2016 deadline for replying to the final refusal.</p>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_2417636226-20161020082918964357_.00332467.PDF</a>
<b>CONVERTED PDF FILE(S)</b> (3 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\791\739\79173949\xml1\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\791\739\79173949\xml1\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\791\739\79173949\xml1\RFR0004.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	a copy of the Request to Amend the Class 11 translation of the goods dated October 13, 2016 and filed at the EUIPO
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Liane L. Churney/
<b>SIGNATORY'S NAME</b>	Liane L. Churney

<b>SIGNATORY'S POSITION</b>	Attorney of Record, Michigan Bar Member
<b>SIGNATORY'S PHONE NUMBER</b>	(269) 381-1156
<b>DATE SIGNED</b>	10/20/2016
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Oct 20 08:46:18 EDT 2016
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.XX.XXX-2 0161020084618001029-79173 949-570890f33648eb6f85d34 5f9f5bd615793a94dc38c1189 e5a16852e322dfc3df-N/A-N/ A-20161020082918964357

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PTO Form 1960 (Rev 10/2011)  
OMB No. 0651-0050 (Exp 07/31/2017)

## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **79173949** LEDRAPTOR(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/79173949/large>) has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

#### REQUEST TO SUSPEND

The present application is under a final refusal for which a reply is due on or before October 25, 2016. The undersigned attorney of record received notification from Applicant's European trademark representative indicating that a Request to Amend was filed at the European Union Intellectual Property Office (EUIPO) on October 13, 2016 requesting an amendment to the Class 11 identification of goods (ID). Attached hereto is a copy of the Request to Amend that was filed at the EUIPO. As it will be noted, a German word was incorrectly translated by IB for the Class 11 ID but correctly translated for the Class 41 ID. Since this is a new issue in this proceeding, Applicant respectfully submits that suspending the proceedings in this application pending the outcome of the request to amend proceeding at IB is the only action to take at this time. It is also respectfully submitted that, in fairness to the Applicant, it is appropriate for the Examiner to suspend the proceedings. Accordingly, Applicant respectfully solicits a granting of this Request to Suspend

Applicant is simultaneously filing a Notice to Appeal to give the Examiner time to consider this request after the October 25, 2016 deadline for replying to the final refusal.

### EVIDENCE

Evidence in the nature of a copy of the Request to Amend the Class 11 translation of the goods dated October 13, 2016 and filed at the EUIPO has been attached.

#### Original PDF file:

[evi\\_2417636226-20161020082918964357\\_.00332467.PDF](#)

Converted PDF file(s) ( 3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Liane L. Churney/ Date: 10/20/2016

Signatory's Name: Liane L. Churney

Signatory's Position: Attorney of Record, Michigan Bar Member

Signatory's Phone Number: (269) 381-1156

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79173949

Internet Transmission Date: Thu Oct 20 08:46:18 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2016102008461800

1029-79173949-570890f33648eb6f85d345f9f5

bd615793a94dc38c1189e5a16852e322dfc3df-N

/A-N/A-20161020082918964357



GERSTENBERG RECHTSANWÄLTE

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Intellectual Property Office  
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E 03080 Alicante/SPAIN  
**Per Telefax: 0034 96 5131344**

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13.10.2016

Unser Zeichen / our ref.:

**08323/15 EMG/CR**

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**Your ref:**  
**our ref:**  
**International Registration no.**  
**Applicant:**

**806/917871301**  
**8323/15**  
**1 268 305 "LEDRAPTOR"**  
**Dedo Weigert Film GmbH**

Please forward the attached reply to the WIPO, Geneva/Switzerland. Thank you.

GERSTENBERG RECHTSANWÄLTE  
Marc Pütz-Poulalion  
Rechtsanwalt



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13.10.2016

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<b>Your ref:</b>	<b>806/917871301</b>
<b>our ref:</b>	<b>8323/15</b>
<b>International Registration no.</b>	<b>1 268 305 "LEDRAPTOR"</b>
<b>Applicant:</b>	<b>Dedo Weigert Film GmbH</b>

Dear Sirs,

Following a provisional refusal from the US Patent and Trademark Office, we discovered that there has been a mistranslation of the goods and services claimed in the above-mentioned international registration. The mistake is based on the official translation provided by the Office of Origin, the EU Intellectual Property Office.

The original description of goods and services was as follows:

cl. 11: Beleuchtungsgeräte, insbesondere Scheinwerfer und deren Bestandteile

The English translation reads as follows:

cl. 11: Lighting apparatus, in particular headlights and components therefor.

It can be noted that the term "Scheinwerfer" has been translated differently in cl. 11 and class 41. While it was correct translated in cl. 41 as "spotlight", it was mistranslated in cl. 11 as "headlight".

We have requested a correction of that translation in the Office of origin's database.

May we kindly request that the description of goods and services in cl. 11 of this international registration be amended as follows:

„Lighting apparatus, in particular ~~headlights~~ spotlights and components therefor".

We respectfully request the amended application to be republished in the WIPO gazette if and insofar as this is necessary.

Yours sincerely  
GERSTENBERG RECHTSANWÄLTE



Marc Pütz-Poulalion  
Rechtsanwalt